

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIODELIVERY SCIENCES INTERNATIONAL,)	
INC. and ARIUS TWO, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 18-1395 (CFC) (CJB)
)	
ALVOGEN PB RESEARCH & DEVELOPMENT)	
LLC, ALVOGEN MALTA OPERATIONS LTD.,)	
ALVOGEN PINE BROOK LLC, ALVOGEN, INC.,)	
and ALVOGEN GROUP, INC.,)	
)	
Defendants.)	

JOINT STIPULATION

This stipulation is made by and between Plaintiffs BioDelivery Sciences International, Inc. (“BDSI”) and Arius Two, Inc. (collectively, “Plaintiffs”) and Defendants Alvogen PB Research & Development LLC, Alvogen Malta Operations Ltd., Alvogen Pine Brook LLC, Alvogen, Inc., and Alvogen Group, Inc. (collectively, “Alvogen”) (Plaintiffs and Alvogen collectively as “Parties” and individually each as “Party”).

WHEREAS, as part of discovery in the above-captioned consolidated action, Alvogen produced to Plaintiffs a copy of its Abbreviated New Drug Application (“ANDA”) No. 211594 and supplements thereto produced at ALVB000001-ALVB021821, the tentative approval letter produced at ALVB024235-ALVB024240, and the additional ANDA supplements produced at ALVB155480-ALVB155939.

WHEREAS, the Parties have met and conferred and have determined that stipulating to the authenticity pursuant to Rule 901 of the Federal Rules of Evidence and non-hearsay business record status pursuant to Rule 803(6) of the Federal Rules of Evidence of the ANDA referenced above will avoid significant and unnecessary burden and expense on each Party.

NOW THEREFORE, Plaintiffs and Alvogen, by and through their respective undersigned counsel in the above-captioned consolidated case, and subject to the approval of the Court, stipulate and agree as follows:

1. The documents bearing production numbers ALVB000001-ALVB021821, ALVB024235-ALVB024240, and ALVB155480-ALVB155939, are (a) authentic pursuant to Rule 901 of the Federal Rules of Evidence and (b) non-hearsay business records that satisfy all the elements of Rule 803(6) of the Federal Rules of Evidence.
2. The Parties reserve the right to object to the introduction into evidence of the above referenced documents (in whole or in part) on all other grounds, including the admissibility of these documents for reasons other than challenging their authenticity under Rule 901 of the Federal Rules of Evidence, their non-hearsay status, or their satisfaction of the elements of Rule 803(6) of the Federal Rules of Evidence.
3. Except as expressly addressed herein, this stipulation does not affect the Parties' right to object to the admissibility of any other testimony, evidence, document, or thing under any ground(s) permitted by law.

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March 26, 2020

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Attorneys for Defendants

SO ORDERED this _____ day of _____, 2020.

UNITED STATES DISTRICT COURT JUDGE